

THE MARTHA'S VINEYARD COMMISSION

BOX 1447 • OAK BLUFFS

MASSACHUSETTS

02557

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MINUTES OF SEPTEMBER 29, 1988

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, September 29, 1988 at 8:00 p.m. at the Commission's offices, Old Stone Building, New York Avenue, Oak Bluffs, MA regarding the following Development of Regional Impact (DRI):

Applicant: Tim Storrow
Massachusetts Audubon Society
South Great Road
Lincoln, MA 01773
Robert Kendall, Sub-Agent

Location: Off the Vineyard Haven-Edgartown Road
Edgartown, MA

Proposal: Subdivision of land qualifying as a DRI since the proposal is division of land greater than 30 acres.

James Young, Chairman of the Land Use Planning Committee (LUPC), read the Mass. Audubon Public Hearing Notice, opened the hearing for testimony, described the order of the presentations for the hearing, and introduced Melissa Waterman, MVC Staff, to make her presentation.

Ms. Waterman pointed out the area on maps, showed a video of the site, and gave the following presentation:

Proposal: Subdivision of 38.14 acres by the Massachusetts Audubon Society into three lots.

Location: Off the Edgartown-Vineyard Haven Road, Edgartown. Property is adjacent to Felix Neck Wildlife Sanctuary and the Ocean Heights subdivision.

Applicable Zoning: R-20, 1/2 acre minimum lot size.

Description of Proposal: Mass. Audubon Society will acquire title to 30 acres owned by Lucia Moffet and a 9.3 acre parcel owned by Felix Neck Trust; MV Land Bank will acquire the development rights to the 30 acre lot within the 38 acre parcel. Approximately 7 acres will be retained by L. Moffet. The subdivision before the Commission is for the 38.14 acre parcel now owned by Lucia Moffet.

Subdivision will result in three lots: No. 1 - 30.8 acres - will be owned by Mass. Audubon; No. 2 - 5.32 acres - will be retained by L. Moffet, with existing house, building restrictions apply; No. 3 - 2.02 acres - is an existing lot that is being refigured. It will be retained by L. Moffet, building restrictions apply. Access to lot no. 3 will be from public road labelled "The Boulevard" in Ocean Heights. The 40 foot access will be constructed and the old road to the existing house on lot no. 2 will be abandoned at the time that a new building is constructed on lot no. 3.

Surrounding land uses: Ocean Heights (minimum 1/2 acre lots) on east; Felix Neck Wildlife Sanctuary on west (entrance road parallels Moffet property line); bounded by Edgartown-Vineyard Haven Road on south and the Felix Neck Trust property on the north.

Covenant restrictions: On lot No. 1: conservation restriction on the land conveyed to MV Land Bank with title to the property held by Mass. Audubon; on lot No. 2: no additional construction permitted but may add outbuildings or alter, enlarge, repair or replace structures destroyed by fire; on lot No. 3: construction restricted to one two-story Cape Cod style or other style approved by Mass. Audubon single family residence, and customary outbuildings. Prior to construction, owner of the lot must notify Mass. Audubon in writing, and submit a plot or site plan and building details for review. Any structure may be altered, enlarged, repaired or rebuilt if destroyed by fire.

Summary of Management Plan: Mass. Audubon will acquire the 9 acre Felix Neck Trust lot fronting Sengekontacket Pond and the 30 acre Moffet lot. Management plan applies to the two lots.

Landscape types found on the 30 acre parcel: Field: approx. 2.1 acres. Oak woodlands: approx. 28 acres

Selected plant species listed in Management Plan: Field: Bluestem, Sweet fern, Bayberry, Many flowered aster, Butterfly weed (rare and endangered species). Oak woods: White oak (predominant, 20-50 ft. height), Black and Red oak, occasional Sassafras, underbrush species including Blueberry, Huckleberry, Trailing Arbutus.

Management policies: Field areas: to preserve the natural diversity of the property and the open character of the landscape. Will monitor species diversity periodically. Periodic mowing will be done to maintain openness.

Oak woods: statewide, to encourage development of "old growth" woodlands through natural succession. Will monitor species diversity periodically. No active management anticipated.

Trails: trail proposed to upland habitats; location will be flagged and walked for a year prior to clearing to assess impacts.

Development Concerns: Provision of a low/moderate income lot (discussed at LUPC, 9/26/88). Location of no. 3 lot in view of applicant's expressed intent to provide a wildlife corridor from the upland to the water and back. What are the restrictions on the Felix Neck Trust lot?

After her presentation Ms. Waterman noted that MVC had received a copy of the conservation restrictions today and that they were on file for review. She then went on to answer questions from the Commissioners.

Mr. Lee, Commissioner, What is the ownership of the other house on the private lot? It is listed to a Cheryl Owen. The road to be taken out of use, is it the road to the Moffet house and does it only serve this property? The response was yes.

Mr. Ferraguzzi, Commissioner, asked Ms. Waterman to explain the convenience to the Land Bank. Ms. Waterman explained that the Land Bank would purchase the development rights, the title would go the Mass. Audubon Society. Mr. Early stated that it was similar to the Agricultural Preservation Restrictions on the Fisher Farm, the Whiting Farm, the Waller Farm.

Ms. Medeiros, Commissioner, asked what was addressed by the applicant regarding low/moderate income housing at the LUPC meeting. Mr. Young, Chairman of LUPC, said that Mr. Jason, Commissioner, had addressed the lack of affordable housing, citing it's particularly suitable having frontage on the Edgartown-Vineyard Haven Road. It was suggested that the agent should go back to Mass. Audubon and the Moffet's raise the issue with them and see if they would address this issue.

Mr. Young asked if there were any clearing restrictions on lot #3? Ms. Waterman stated she had not seen any.

When there were no further questions from the Commissioners, Mr. Young called on Rob Kendall to make the applicant's presentation.

Rob Kendall, agent for the applicant. The purpose is to add to Felix Neck. This is the last large parcel available as an addition. One side is bounded by Major's Cove, a large development probably not beneficial to the Pond. Bounded on the other side by privately owned lots with the potential for 1/2 acre lots. The house that is existing is buffered from view. The lot #3 site was designed by the Moffets and it was done in this way because it was believed better to put the road behind the houses and since the current house on the private lot was at the back of the lot this would cluster the dwellings. Mass. Audubon has the 1st option on both lots 2 & 3. There are provisions to restrict fencing in the covenants. Split rail post fences to allow animal access through the corridor. The proposal does not cover all of the checklist issues but there is no increase in the number of buildable lots from the number allowable without approval. There has been much lengthy negotiations to add this to the wildlife sanctuary. Felix Neck is the premier wildlife education on the Island. It is serving to protect important resources and that alone is alot to go on.

After Mr. Kendall's presentation he responded to Commissioner's questions.

Mr. Geller, Commissioner, explain the development rights? Mr. Kendall responded that it is proposed that the property currently owned by L. Moffett will be purchased in a joint venture between the Land Bank and the Mass. Audubon Society, there are many rights involved in a property sale. The Land Bank is trying to end up with as many written rights to property as they can. If you ever try to develop this property you will have to go to the Land Bank first.

Mr. Young, Commissioner, Does the Land Bank take part in the management plan? Not once it is acquired. They reviewed the management plans in the early stages of negotiations. Mr. Young, so only the Mass. Audubon will manage, the public access issue of the Land Bank will not apply? The conservation restrictions deal with public access. The Mass. Audubon will make the land as accessible as they can make it.

David Ferraguzzi, Commissioner, Public access will be through the road to the Boulevard. No. Present access is the road into Felix Neck on the edge of the Moffet property. Does the Land Bank have development rights on the 9.3 acre lot? No prior to Land Bank.

Ms. Medeiros, Commissioner, asked Mr. Kendall to respond to affordable housing. It was the thought of the Mass. Audubon and many members of Felix Neck that trying to protect this as an education resource for the Island in the long term is paramount. Affordable housing is a big issue, too big to come in on the tail end of a project and say do something. The timing here is no good. He knows for a fact that to redesign this proposal will jeopardize the whole project. The contract negotiations were brutal. To open them up again might not be best, we might end up with the 3 youth lots but also get 45 residential lots as well. We are saying we want to see this land preserved, we want to place a conservation restriction on it, we found people willing to meet our financial needs. Affordable housing just doesn't fit into this right now.

Mr. Ferraguzzi, said it was hard to believe the applicant had no knowledge that an affordable housing issue would be brought up. It has been a policy for over 2 years now. To the best of my knowledge this has never come before the Housing Authority. This is the first time I've ever seen this subdivision. The threat that someone will cut it up is no reason for no affordable housing sites, this is just too big an issue to overlook.

Mr. Young, regarding the location of lot 3, and considering the location of lot 2, wouldn't lot 3 be better if located closer to the property line. Wouldn't this interfere less with the basic wildlife intent. He said he thinks that the unrestricted water view and the high value of the property resulting is more important to the applicant than the location for wildlife. Mr. Kendall responded that

the lot was more valuable with the water view and it was designed this way at the owner's request.

When there were no Town Board comments or questions Mr. Young called on Gus Ben-David, manager of Felix Neck Wildlife Sanctuary.

Mr. Ben-David said that in reality this will increase the integrity of Felix Neck. This proposal is the result of years of negotiation. Ms. Moffet is now a resident of another country. This is a joint venture between the Land Bank and the Mass. Audubon. The Land Bank is putting up the majority of the funds. The Mass. Audubon will embark on a fund raising campaign. When you drive into Felix Neck you take for granted that the amenities you see on the right of the road are secure. They are not. In actuality part of the access road is on the Moffet property. We need to keep this parcel intact. Felix Neck epitomizes what conservation should be doing. They have 2 wildlife naturalists who are either at the schools or bringing the school children to the sanctuary every week. The community must know Felix Neck is compassionate and caring about the community. Concerning the meadow located near the center of the 30 acre parcel, it was designed as a meditation glade and will be retained as such with access provided. Concerning the wildlife corridor, we usually picture a firm cylindrical shape when we refer to corridor, this is not the case here. There is sufficient space for a wildlife corridor here. The houses are not a hindrance to wildlife. If this goes back to negotiation we will lose it.

Mr. Young asked if Mr. Ben-David felt a restriction on the clearing on lot 3 would be advantageous? The 9.3 acre lot (Felix Neck lot) is a meadow, even if lot 3 were cleared it would be no great problem for the wildlife. The only exception might be that the proposed house would be more visible, but anyone who could afford to buy and build on this property would be sensitive to this.

Mr. Jason, Commissioner, If the lot 3 site won't hinder the purpose why would a 1/2 acre home lot on the Edgartown-Vineyard Haven Road hinder it? The response was that the property was much narrower there. Mr. Jason asked why a lot couldn't be put on the Vineyard Haven side of the property? The response was this is part of the sanctuary, gradually being transferred to the Mass. Audubon. Mr. Jason stated that he was not knocking the plan he just wanted something for everybody.

Mr. Ben-David said they want to expand their programs. That this is the most highly utilized conservation land on Martha's Vineyard. To keep the entire tract intact is very important. Every square foot is important.

The chair then called on public proponents.

Lynn Macomber, lives on property to the rear of the Moffet property and feels it would be a shame to see such a beautiful area go to developers, and since it does abut Felix Neck she is in favor of this proposal.

Peter Rosbeck stated he feels this should go to Felix Neck. He would hate to see the opportunity missed to get preservation land. Maybe there is another way to deal with affordable housing on this issue.

Mr. Young then called on public opponents, there were none. When the applicant had no further comment Mr. Young asked the Commissioners for any further questions.

Ms. Scott, Commissioner, this question is addressed to Mr. Ben-David, the way the negotiations are running would the addition of affordable housing jeopardize getting the property? The response was absolutely, it would totally jeopardize it.

Mr. Filley, Commissioner, asked if there was any correspondence. The response was negative.

When there were no further questions Mr. Young closed the public hearing with the record remaining open for one week.

After a short break, a public hearing was convened at 9:23 on the following Development of Regional Impact: (NOTE: Mr. Wey, Commissioner, was absent from the table.)

Applicant: Roger Wey
P.O. Box 1165
Oak Bluffs, MA 02557

Location: Uncas Avenue
Oak Bluffs, MA

Proposal: Addition to an existing building qualifying as a DRI
since the proposal is greater than 1,000 square feet.

After reading the public hearing notice, Mr. Young opened the hearing for testimony, described the order of the hearing, and called on Tom Bales, MVC Staff, to make his presentation.

Mr. Bales referred to maps and drawings on the wall while giving the following presentation:

Zoning is B-1. Planned addition is 2,226 square feet. Exterior of the building will be white cedar shingle. Parking - 8 spaces will be provided.

The Building is currently lumber storage and equipment rental. Will become equipment rental and home and garden center. Lumber stock will be moved across the street to the building where the home and garden stock is now located. Expanded space in the upper level will be used for storage of rental equipment. One bathroom with a toilet and sink will be added in the lower level. The building does not exceed maximum height. The septic system will be on an abutting lot under

the same ownership. Landscaping - bushes along side of door.
Lighting - one wall mounted light will be on either side of the door.
Drainage - one drainage grate has been installed.

The following concerns were raised: Scale of the building,
Consistency with the surrounding neighborhood, and the delivery of
materials.

Mr. Bales went on to state that the existing roof was not in good
shape and this proposal would renovate that also. He then answered
questions from the Commissioners.

Ms. Eber, Commissioner, Are there any zoning by-laws that prohibit the
septic from being on another lot? The response was no.

Mr. Jason, Commissioner, Where is the septic? Mr. Wey, On the eastern
portion of the lot and stated that the two areas were indeed the same
lot and that the septic had been approved by the Board of Health.

Mr. Widdiss, Commissioner, What is the height? Approximately 32'.
What is allowable height in this district?

Mr. Hagazian, Oak Bluffs Building Inspector, stated there was a new
restriction as of April, '88, it is 35'. Prior to that there was
none.

Mr. Lee, Commissioner, What is the surface of lot? The response was
hardener, no bluestone, no paving.

Mr. Jason, Commissioner, asked, is the septic lot in B-1? The
response was yes.

Ms. Medeiros, Commissioner, What is the drainage plan? It is simply a
drainage grate that is already installed.

Mr. Jason, Are there parking restrictions? Mr. Hagazian was again
called on to clarify this. He stated that the proposed parking
requirements were struck down by the Attorney General in August.
There aren't any in the B-1 zone at this time.

When there were no further questions for Mr. Bales, Mr. Young called
on the applicant to make a presentation.

Margaret Curtin from applicant's architect office, The actual height
is 25 1/2', which matches the existing building. The existing parking
is along the street and the proposed parking was provided in an
attempt to organize the traffic in the area. The applicant simply
needs more room. As far as the impact on the neighbors, Graves tool
is in favor of the project and there are no other direct abutters.

The chair then called on questions from the Commissioner for the
applicant.

Mr. Widdiss, Commissioner, did you design the drainage? No it was existing. It seems reasonable to add drywells. Mr. Widdiss, if there were no problems in the past they'll probable be none in the future.

Mr. Young then called on Town Board comments.

Mr. Jonathan Whiting, Planning Board, Oak Bluffs. Oak Bluffs need more commercial space. Not to allow this expansion would be a mistake. He speaks for himself and not the planning board when he ways he is in favor of the proposal.

Mr. Young then called on public proponents.

Mr. Jules Ben-David, stated he had 2 reason to favor this proposal. (1) The Town of Oak Bluffs won't allow the expansion of the B-1 district, and (2) in order for business to survive they need this type of expansion.

Joseph Sollitto, Jr., Abutter to an abutter. I have no opposition to this project.

When there were no further public proponents Mr. Young called for public opponents.

Helen MacGrath, abutter. Hiawatha avenue is a small street with 7 single family dwellings. Of these 7 dwellings, Mr. Wey has purchased 2 of them to abut this business. Concerning the statement that the front will equal the existing, I would like to point out that that was just raised this year to that height. This business is not conducive to this area with flat bed trucks coming in and out. Mr. Wey is using the back yard of his house as a parking lot. Of the 5 remaining dwellings on Hiawatha Avenue, 3 house handicap people. With the traffic and congestion before it was bad enough. There are trucks all day long, cars, traffic is generated at a much higher volume. She objects strongly.

Ann Margetson, None of this is meant to be taken personally by the MVC, Mr. Wey or the business community. She backs Ms. MacGrath completely. She is directly behind the building that was quadrupled with Martha's Vineyard Commission approval. Stated that B-1 had already been enormously impacted. The building is outscaled already, they have lost light. This is a mixed use neighborhood. One of the families with a handicapped child is renovating the house with the intent that the child will stay there for a long time. They cannot afford any additional traffic on the 3 roads effected. Mr. Weys business starts at 7:00 a.m. and sometimes there are trucks unloading as late as 7:00 p.m. When the business people speak of expanding the business district they are talking about squashing it into an existing area.

When there was no further public opposition Mr. Young called on the applicant for any additional comments.

Mr. Wey stated that he owned the property on both sides. That the major expansion would be on Uncas Avenue. His purpose is to diversify his business. He is carrying a third less lumber this year. Has to gear toward renovation/remolding instead of large contractors. He is trying to carry smaller amounts of a wider variety of products.

Mr. Young, Where is the loading? Mr. Wey responded that the rental loading was at the existing doors and that was the highest volume of traffic. The garden center would load here too. Mr. Young stated that would be accessed on Hiawatha, could you access on Uncas? He said he would have to eliminate one parking space but it would be fine with him. He went on to state that the building was formerly the Highway departments building and is 80-90 years old and in bad condition. His plan is to make the property anew. The front was falling apart before this renovation. Mr. Young, back to the matter of access, the rental customers go in off Hiawatha and park? Yes, there are 2 spaces. We watched the number of people during a 2 week period at the end of August, we estimate 1 per hour. Mr. Young again asked if it would be possible to have the access off Uncas Avenue. Mr. Wey stated that he didn't know how he would keep the customers from pulling in there. That is where the door is. Mr. Wey then stated that his business hours are 7:30 a.m. to 5:00 p.m. That he sometimes unloads trailers at night so there is no traffic. On rare occasions this might happen at 7-8 at night.

Ms. Medeiros, Commissioner, What are the widths of the two streets? Hiawatha and Uncas are 40 ft. ways.

Mr. Filley, Commissioner, asked Mr. Young, the LUPC minutes of the 19th refer to contact with the traffic committee about rerouting traffic, what has happened with this? Mr. Young said there had been no response. Ann Margetson, said the proposal that came up with the traffic commission was to make Uncas Avenue a one-way, Mr. Wey is opposed to it and she agrees with him. If Uncas is one-way it will add additional traffic to Hiawatha and Wamsutta Avenues. Thinks for the surrounding area it is better to leave Uncas Avenue a two-way.

Mr. Evans, Commissioner, The problem seems to be with trucks going beyond the rental center on Hiawatha. Couldn't something be done in the way of remodeling to allow trucks to come down Hiawatha and turn say into an alley made for rental pickups and then exit onto another street.

Following is a summary of correspondence Mr. Young read from the record:

TO: MVC, FROM: Elena Iacoviello, Celia Tuccelli, and Ann Tuccelli, owners of property on Hiawatha, Pocassett and Uncas Avenue. DATE: September 16, 1988. RE: We approve of the addition to the building of Cottage City Lumber Company. It will improve the building.

TO: MVC, FROM: Bonita L. Schaschek, Owner 196-198 Circuit Avenue, and M. Woronovitch, M. Sersua, Lessees. DATE: September 20, 1988.

RE: Have reviewed the plans and feel the addition will have a positive impact on the area. Mr. Wey's previous renovations had added

prestige to the area, he has transformed buildings in various stages of disrepair from eyesores to enhancements of the area. Won't be able to attend the public hearing but fully endorse the proposal. TO: MVC, FROM: Donald D. Lambert, Lambert Insurance. DATE: September 21, 1988. RE: Both personally and professionally has no objection to this proposal. Mr. Wey's is the only business of it's kind in Oak Bluffs and he is meeting the needs of the community. TO: MVC, FROM: The Tivoli Inn, 222 Circuit Avenue, DATE: September 26, 1988, RE: Can express no objections at present to the proposal which Mr. Wey has submitted. TO: MVC, FROM: Juanita Handy, 22 Wamsutta Avenue, DATE: September 27, 1988. RE: Strenuously objects to Mr. Wey's application. The increased commercialization is disturbing. The increased traffic is disrupting and potentially dangerous to the senior citizens and children in the area. Hopes we find sufficient cause to deny. TO: MVC, FROM: Erolle J. Hass, DATE: September 28, 1988, RE: Hopes the hearing is only a formality. The addition will certainly benefit the citizens of Oak Bluffs by alleviating the need to drive up Island for supplies. Mr. Wey is a reputable and dependable person who gives many hours of service to the Town of Oak Bluffs and certainly could be depended on to bring no harm to our town. He is in full agreement with this proposal. TO: MVC. FROM: Robert L. Graves, Jr. Owner Graves Machine and Tool Company, DATE: September 29, 1988. RE: As the closest abutter we have no objections to Mr. Wey's plans. TO: Whom it may concern, FROM: Mr. Morrison, RE: As the owner of property at 21 Uncas Avenue I have no objections to Mr. Wey's planned additions as shown to me on blueprints.

Mr. Young closed the public hearing with the record remaining open for one week.

Mr. Early opened the special meeting at 10:00 p.m.

ITEM #1 - Chairman's Report - There was none.

ITEM #2 - Old Business - There was none.

ITEM #3 - Minutes of September 22, 1988 - It was motioned and seconded to approve the draft minutes. There was no discussion. The motion carried with two abstentions (Medeiros, Lee).

ITEM #4 - Committee Reports

Mr. Early reported on the Katama Airport DCPC. There were 5 exemption applications, however only 4 were included because of the new boundaries. All 4 applications were reviewed by Mr. Mitchell and 1 was in a clear zone and was for an addition, the roof would still be below the existing ridge height. All 4 applications were approved with a 30 foot height limit recommended by the airport management.

Mr. Young reported on the Lagoon Pond DCPC. There was an application for a second exemption on one piece of land. We will be meeting with the town boards to discuss future guidelines.

Mr. Young then stated that the LUPC meeting had discussed the application of the Mass. Audubon that we heard tonight and had discussed the proposed plans to revamp the MV Airport. Mr. Saxe will give a brief summary.

Mr. Saxe referred Commissioners to a handout he had prepared. Stated that the design is to expand. This is not an expansion now but simply to meet the current needs. Current situation is unsafe, overcrowded. This won't increase the flights it will just meet the current needs. The removal of the existing buildings on the property has been held up do to the presence of asbestos in the structures. In mid-October they will be meeting to discuss designs. The Business Park is at the stage of hiring a consultant. Petrolane, Stafford, Kingstone Gas and the Steamship Authority have all expressed an interest. The idea of a jail on the site is also firmly planted.

Mr. Young went on to say there was no future agenda for LUPC at this time.

Ms. Borer reported that the Task Forces had held a mass meeting last night with the staff to review information received at the public meetings in August and summarize issues and policies. It was a useful meeting because it allowed interaction among the task forces. There was a request from the Task Forces to meet with the full Commission. There is the possibility of a meeting in mid-November.

ITEM #5 - Discussion - Deer Run Trust Phase I

Mr. Bales reviewed the proposal. This is a modification of a DRI that will change the use of the active recreation lot to include 2 tennis courts, 1 pool, and a clubhouse. The change includes 2 pull chain showers on the apron of the pool, 23 parking spaces on the paved lot, tennis courts will not be lit. He then asked for questions or discussion.

Mr. Lee, Commissioner, Has the drainage plan on the paved lot been changed? Response, no there is no plan. For the 2 showers is there a drainage plan? No. We now have a plan for the swimming pool, depicting the showers, and a plan for the changing rooms. Mr. Lee said he still had more of the same questions. What about shower drains? Mr. Bales responded that the proposed pool drainage is into the depression on site.

Mr. Filley, Commissioner, what about the fence around the pool? There is a 6 foot chain link fence.

When there were no further questions for Mr. Bales, Mr. Young said that the LUPC majority recommendation was for approval with conditions on the drainage and the pool management plans.

Ms. Eber, Commissioner, gave the minority LUPC recommendation. I am concerned with the open space. I object to the clubhouse, it is a 3,000 sq. ft. development plus the parking lot. This should be open

space. One of the reasons we approved this subdivision was because of the amount of open space.

Mr. Geller, Commissioner, Have any lots been sold? Ms. Borer responded not to her knowledge. Mr. Shek, representing the applicant said no.

Mr. Jason, Commissioner, All of this will be on the lot closest to the Airport Road? Response was yes. What was it before? Response, 2 tennis courts and 1 paddle ball court. Is this really what we want? These are open lots.

Ms. Eber, The clubhouse is not necessary. I can see giving them the pool and the tennis courts.

Mr. Jason asked about the other recreation lot and was told it was non-active.

Mr. Lee, Commissioner, said he didn't see how we could vote on this, there were no answers. How will they drain the lot? Where will the shower water go? What do they need the clubhouse for?

Mr. Jason stated the shower water should go into the septic and that this should be on a lot further off the road.

Mr. Lee wanted to know what the logic was in switching the usage on the lots. Response was that the applicant had done this.

When there was no further discussion they moved to the next item.

ITEM #6 - Possible Vote - Deer Run Trust Phase I

It was motioned and seconded to deny the DRI Modification because it was inappropriate for the area. The clubhouse and parking were beyond the concept of active recreation.

On a roll call vote the motion carried with 12 in favor, 2 opposed, and 2 abstentions (Ewing, McCavitt). (Harney was in favor, Geller abstained).

ITEM #7 - New Business - County-wide Water Testing Lab

Ms. Waterman said she wanted to take this opportunity to invite the Commissioners to a Pot-Luck supper at 6:00 at the Wakeman Center to be followed by a panel discussion on public access to the coast.

Ms. Waterman then went on to discuss the county-wide water testing lab feasibility. She said that she had met with Mr. Saxe and the Boards of health for West Tisbury and Chilmark. The proposal's long term objective is to create a laboratory capable of analyzing water samples in order to gather consistent and credible data on water quality in an economic fashion. Ms. Waterman went on to describe stages of lab development and the items and equipment that would be necessary.

Ms. Eber, Commissioner, what is the proposed location? Ms. Waterman said they had looked into the West Tisbury school basement, the Edgartown Waste Water Treatment Facility and the Oak Bluffs water department as possible sites.

Mr. Morgan, Commissioner, stated that the county is trying to fund and if they do they will locate it on county property.

There was lengthy discussion on the merits of the Commission continuing routine water testing.

Mr. Early asked if it is the consensus of the commission to endorse it. Yes. Mr. Filley said that this is a specialized area, that we should offer assistance but let other people handle it on a full time basis.

Mr. Early asked if all boards of health were involved? Ms. Waterman said all were invited however, Oak Bluffs said no and Tisbury was a no show. West Tisbury and Chilmark are the motivating force. Ms. Waterman said the interest had come from 4 town Shellfish Departments.

Mr. Morgan said the county took a stand on this because it was a regional issue.

Mr. Evans, Commissioner, If we conditioned decisions we could turn them over to the lab? Mr. Young, exactly. Mr. Evans said that the problem is growing and it is good to have this on a county basis. We can watch the pattern as a whole.

Mr. Early, We do have a consensus to send a letter to the county commissioners supporting a county wide water testing facility.

ITEM #8 - Correspondence

Mr. Young read a letter from the West Tisbury Planning Board to the MVC requesting clarification as to why Mr. Snowden was sent a certificate of compliance when he has not contributed the \$20,000 to the Fire Department Hydrant fund as conditioned in the decision. The letter also wanted to bring to the attention of the Commissioners that the Board has been concerned since February that the conditions were not being complied with. The letter went on to say that the broad concern of the Planning Board is that the towns interests did not seem to be adequately protected by conditions included in the MVC decision. The Planning Board has no legal leverage to secure the money and hopes that the 9/23/88 certificate of compliance does not relinquish any leverage that the Commission may still have held.

Mr. Young said he had spoke to Ms. Borer, Executive Director, and Mr. Early, Chairman, about this and that the MVC will contact Mr. Snowden.

Mr. Early said they would look into this. It fair to say there are some confusing signals for West Tisbury.

Mr. Ferraguzzi, Commissioner, states his objection to decisions being reworded by the lawyers without the Commissioners being informed. Ms. Borer reiterated that the all the lawyers had done was make the decision more legally binding because it was a land court plan. This was done last year.

Mr. Early said that this is a good topic for discussion at an open meeting. Despite anything else they did get 2 resident homesite lots, which are occupied. It was a tough decision for a unique case.

Mr. McCavitt, Commissioner, asked if certificates of compliance were done on all projects? How do they work? Ms. Borer explained that certificates of compliance were issued dependent upon the decision. It is on an individual case basis.

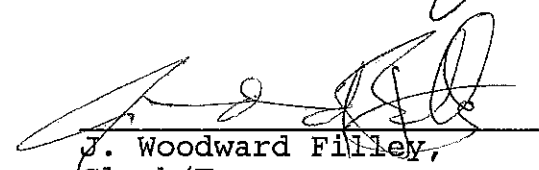
Mr. Early said the Commission would look into this matter further.

The meeting was adjourned at 11:05.

ATTEST


John G. Early, Chairman

10/6/88
Date


J. Woodward Filley,
Clerk/Treasurer

10/6/88
Date

Attendance:

Present: Jason, Lynch, Widdiss, Filley, Young, Eber, Ferraguzzi, Evans, Scott, Early, Medeiros, Wey, Ewing, Lee, Morgan, McCavitt, Geller, Harney.

Asbent: West, Delaney, Allen, Harris.